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June 13, 2005

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: Bay State Gas Company, D.T.E. 05-27

Dear Ms. Cottrell:

Enclosed is the Opposition of Bay State Gas Company to the Attorney General's Motion for Oral Argument Before the Commissioners.

Very truly yours,

Robert L. Dewees, Jr.

RLD/tlm
Enclosure

cc: Caroline M. Bulger, Hearing Officer (1 copy)
John Sullivan, DTE (7 copies)
Andreas Thanos, Assistant Director, Gas Division (1 copy)
Alexander J. Cochis, Assistant Attorney General (4 copies)
Service List

**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Petition of Bay State Gas Company)
For Approval of Revised Tariffs)
And Other Rate Modifications)

D.T.E. 05-27

**OPPOSITION OF BAY STATE GAS TO THE ATTORNEY GENERAL’S MOTION
FOR ORAL ARGUMENT BEFORE THE COMMISSIONERS**

On June 6, 2005 the Attorney General filed a Motion for Oral Argument before the Commissioners, requesting that oral argument be held two days after he files his initial brief. He indicates that oral argument will provide him with “an opportunity to emphasize key components of his case”.

Bay State Gas Company (“Bay State”) opposes the Attorney General’s Motion.

The Attorney General’s request is not consistent with Department procedures for the conduct of general base rate proceedings. The Department only rarely permits oral argument in any proceeding, and has not done so in any recent general base rate case. Oral argument would impose significant additional burdens on the Commissioners, the Department staff and all parties in this case without any corresponding benefit. This case must be completed under an already compressed schedule, given the six-month suspension period, that will not accommodate oral argument. See, Procedural Schedule issued June 10, 2005.

Although the Attorney General claims that oral argument will allow him to emphasize the key components of his case, the procedural schedule adopted for this proceeding already provides him with ample opportunity to do so. The public and evidentiary hearings, extensive discovery, the opportunity to present his own witnesses, and the extensive briefing

schedule all provide the Attorney General with numerous opportunities to emphasize to the Department the key parts of his case.

The procedural schedule issued on June 10 by the Hearing Officer establishes an extremely tight schedule for discovery, testimony by Bay State and intervenor witnesses and briefing, and does not permit the time required for oral argument. Furthermore, the Attorney General has proposed that oral argument be held immediately after the filing of his initial brief, when Bay State will be in the midst of preparing its initial brief and the Department will be in the process of reviewing all the intervenor initial briefs as well as all aspects of the record. Taking time out of the briefing schedule as suggested by the Attorney General, could compromise the thoroughness of the briefs that are submitted to the Department. The procedural schedule does not permit the time required of Commissioners, Department staff, and the parties to prepare for, attend and then review statements made at oral argument.

In addition, oral argument is not likely to produce any benefit to this proceeding. The Department's rate case procedures that do not involve oral argument have been utilized in many general base rate cases and have served the Department and all parties well over many years. The issues raised in a general base rate case involve the presentation, review and analysis of voluminous financial and economic and accounting information, and this review and analysis would not be aided by oral argument. The granting of oral argument here could establish a precedent that would likely result in similar requests to the Department, and argument over such requests, in future proceedings with resulting additional time burden placed on the Department and parties in rate cases.

On June 8, 2005 Local 273 stated its support for the Attorney General's Motion, and indicated that other regulatory commissions may allow oral argument in their proceedings. The policies of other commissions are not binding on this Commission, and other

commissions may not operate under the six-month statutory suspension period for general rate cases that apply to the Department. The current Department procedures for conducting general rate cases have proved expeditious within the short six-month suspension period, and the Attorney General has provided no convincing reason for altering those procedures.

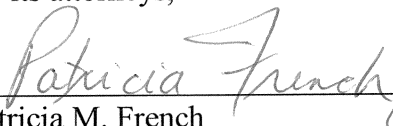
If granted, the Attorney General's Motion would add an additional level of complexity and administrative burden to this proceeding without a demonstrable benefit.

For the foregoing reason, the Attorney General's Motion should be denied.

Respectfully submitted,

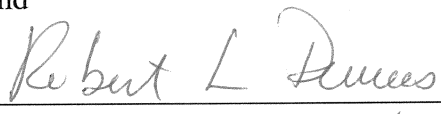
BAY STATE GAS COMPANY

By its attorneys,



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Dated: June 13, 2005

CERTIFICATION

I certify that I served today a copy of the attached Opposition of Bay State Gas to the Attorney General's Motion for Oral Argument Before the Commissioners by hand delivery, first class mail postage prepaid or electronically on the Department of Telecommunication and Energy and all parties on the service list on file with the Secretary of the Department of Telecommunication and Energy for this proceeding.

Dated at Boston, Massachusetts this 13th day of June, 2005



Robert L. Dewees, Jr. (th)